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FILED
DISTRICT COURT OF GUAM
SEP 29 2003
MARY L. M. MORAN
CLERK OF COURT

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8 Attorneys for Plaintiff Shell Guam, Inc.

9 IN THE DISTRICT COURT OF GUAM

10 SHELL GUAM, INC.,)
11 a Guam corporation,)

12 Plaintiff,)

13 vs.)

14 F/V PALAU MARU NO. 1,)

15 Defendant.)

CIVIL CASE NO. CIV03-00029

DECLARATION OF STEVEN A. ZAMSKY
IN SUPPORT OF STIPULATED MOTION
FOR AN ORDER RE BAIT

16 STEVEN A. ZAMSKY declares as follows:

17 1. I am an attorney admitted to practice law in Guam USA.

18 2. I am the attorney of record for Plaintiff Shell Guam, Inc. (hereinafter "Plaintiff").

19 3. I make this Declaration in Support of the Stipulated Motion for an Order Re Bait
20 and Order Granting Motion filed herewith and with respect to Defendant F/V Palau Maru No. 1
21 (hereinafter "Vessel") and having personal knowledge of all matters set forth herein if called to
22 testify as to said matters I could and would competently do so.

23 4. The generator on the Vessel has been running to operate the refrigeration plant in
24 which the frozen bait are stored. The Vessel's Chief Engineer and one other crew member had been
25 on board to operate the same and provide such assistance as may be necessary.
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5 5. Attached hereto is a letter to me from the Custodian of the Vessel, Captain Jurgen
6 Unterberg of Oceaneer Enterprises, Inc., which indicates that the Chief Engineer will be departing
7 shortly and that he does not have personnel to continue the operation of the generator and
8 refrigeration plant. Captain Unterberg also states that it is best to place the bait in cold storage.

9 I declare under the penalty of perjury under the laws of the United States of America that
10 the foregoing is true and correct.

11 Dated this 29 day of September 2003.

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14 STEVEN A. ZAMSKY

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27 Z8(004.676)\PLDVP#2033
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OCEANEER ENTERPRISES Inc.

CAPT. JÜRGEN
UNTERBERG
MARINE SURVEYOR
MASTER MARINER

Guam Office: 1026 Cabras Highway, Suite 113, Piti, Guam 96925
Tel: Home: (671) 789-5339 Office: (671) 477-9490 Fax: (671) 477-1645 Cell: (671) 687-6535

To
Steven A. Zamsky, Atty.

9-29-03

Ref.: Palau Maru No.1

CC: Tania Stoicovy, Shell Guam Inc.

Dear sir,

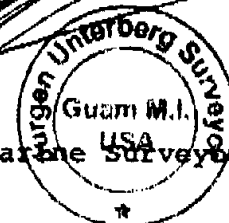
I have spoken with Mr. Ho from Renolith, the vessels agents. He told me that the crews visa (Chief engineer & 1 other member) for Palau Maru was already extended twice. The original is usually good for 29 days in port, after which it can be extended. Such the visa now will expire 10-1-03 at which time the C/E of above vessel must leave.

At this time I prefer to shut the generator and the reefer plant down. Our men do know deck work and some know some engine operation too, however it will not be enough to deal with anything serious. (They can check oil, transfer fuel etc.)

I therefore think we should transfer the bait, which represents a considerable value, in to a cold storage. Harmon Cold Storage was mentioned by Mr. Ho.

Naturally you need to find out if the bait is part of the vessel. Should the bait be considered part of the vessel it may be a good idea to sell it, rather than spend money on it for storing. In any case both methods will need the courts permission most likely. There is not much time to do this, as the C/E will leave at the latest by Wednesday. The crew of 2 is now still aboard and could help unloading, rather than burdening Shell by the need to use additional people to unload the frozen bait by ourselves.

Capt. J. Unterberg, Marine Surveyor



Consultant

Services: REPAIRS OF VESSELS, DRYDOCKING, SALVAGE MASTER AND SALVAGE OPERATIONS

Classification Surveyor for: LR, KR, CCRS, and other Societies